

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN JAY HUMPHREY,

Plaintiff,

-v.-

5:06-CV-0786
(NAM)(DEP)

TWO UNKNOWN FEDERAL EMPLOYEES,

Defendants.

APPEARANCES:

JOHN JAY HUMPHREY

Plaintiff, *pro se*

NORMAN A. MORDUE, Chief U.S. District Judge

DECISION and ORDER

Presently before the Court is an amended complaint filed by plaintiff John Jay Humphrey.¹ Dkt. No. 6. This amended complaint was submitted by plaintiff in compliance with the Decision and Order issued by this Court on September 1, 2006 (“September Order”).² Dkt. No. 3. For the reasons discussed below, the Court finds that the amended complaint fails to comply with the September Order and, therefore, dismisses this action.

The September Order advised plaintiff that he “must identify Defendants by their names, titles or offices” in his amended complaint. *Id.* at 2. Plaintiff was informed that it is impossible for the U.S.

¹ Plaintiff is an experienced litigator, having filed ten other actions in this District since December 2002.

² Prior to filing an amended complaint, plaintiff filed a Motion to Compel on September 21, 2006 (Dkt. No. 4), which was denied on December 13, 2006 (Dkt. No. 5).

Marshal Service to effect service on unknown defendants. *Id.*

Plaintiff does not provide the names, titles or offices of the unknown defendants in his amended complaint. Dkt. No. 6. Therefore, plaintiff's amended complaint is **dismissed** due to plaintiff's failure to comply with the terms of the September Order.

WHEREFORE, it is hereby

ORDERED, that this action is **dismissed** without prejudice due to plaintiff's failure to comply with the terms of this Court's September Order, and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.

I further certify that any appeal from this matter would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

DATE: January 16, 2007


Norman A. Mordue
Chief United States District Court Judge